



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

al

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/226,577	01/07/1999	JACK CHANEY	SAM1.0058	9866

23386 7590 05/02/2007
MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE, CA 92612

EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
----------	--------------

2137

MAIL DATE	DELIVERY MODE
-----------	---------------

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/226,577	CHANAY	
	Examiner	Art Unit	
	Paul Callahan	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-8 and 10-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-8 and 10-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 January 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-8-2007 has been entered.
2. Claims 1, 3-8, and 10-14 are pending in the instant application and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-8, and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girod et al. US 5,809,139, in view of F. Hartung and B. Girod, "Fast Public-Key Watermarking of Compressed Video", Proceedings IEEE International Conference on Image Processing (ICIP 97), Santa Barbara, CA, USA, Oct. 1997.

As for claim 1, in their abstract, Girod et al. teach watermarking a compressed audio-visual signal. In figure 1, the lower input is a digital signal, which is compressed by element 10 (see lines 47-62 of column 3 and line 60 of column 4 through line 21 of column 5 for a description of figure 1), thereby reading on clause a) of the claims. Element 26 watermarks the compressed signal; the watermark is inserted using a frequency spreading signal, which meets applicant's data signal representing copy protection data, while the watermarking operations read on the copy protection function. In the abstract, Girod et al. say that encryption/decryption capabilities can be included but does not specify how or where. Claim 8 and figure 4 make it clear that encryption is applied after compression and watermarking. Encryption is a type of scrambling and so clause c) is met. The reversal of these steps is implied by figures 1 and 2c. While Girod et al. specifically disclose decoding preceding removal of the watermark; these steps are interchangeable, as is understood from lines 7-10 of column 5. This is part of the benefit of Girod et al.'s watermarking method. As described at the top of column 9, removal of the watermark requires the sequence that was used to embed the watermark. Girod et al. do not indicate how the receiver acquires the sequence. In the first paragraph of page 1101, Hartung et al. describe transmission of a watermarked

signal and a data signal to a receiver for subsequent recovery of said watermarked signal (Sec. 2.3: Decoding of Watermark – Public Version: portions of a pseudo-noise signal are distributed along with a watermarked signal in order to facilitate recovery of the signal. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention to include this feature of Hartung into the system of Girod. It would be desirable to do so to facilitate rapid recovery of the scrambled signal. Motive to make this combination is found for example, in Girod, col. 1 lines 33-41 where the desirability of watermarking compressed video signals is discussed. This desirability of this feature is also discussed in the abstract of Hartung and Girod.

The cited section of Hartung et al. also renders claims 3 and 4 obvious. The elements of claims 5 and 6 are rendered obvious by the steps described by Girod et al.

Claims 7, 8, and 10-14 are directed towards the same limitations as claims 1, and 3-6, therefore they are rejected on the same basis.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone

Art Unit: 2137

number for the organization where this application or proceeding is assigned is: (571)
273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Callahan

PEC

4-29-07

E. L. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER